

§917.179

to the Federal-State Inspection Service a report of the number of packages by container type, by variety and by district or origin, which the shipper packed during the preceding day.

(b) *Recapitulation of shipments.* Each shipper of peaches shall furnish to the manager of the Control Committee not later than November 15 of each year a recapitulation of shipments of each variety shipped during the just-completed season. The recapitulation shall show: The name of the shipper, the shipping point, the district of origin, the variety, and the number of packages, by size, for each container type. Each shipper also shall furnish to the manager not later than November 15, a recapitulation of shipments by that shipper's growers showing: each grower's name, address, telephone number, facsimile number (if applicable), and e-mail address (if applicable), and the total number of packages shipped by container or container equivalents for each grower.

(c) *Destination report.* Each shipper who ships peaches shall furnish to the manager of the Control Committee a report of the number of packages of peaches shipped to each destination, and whether the peaches shipped were yellow-fleshed or white-fleshed, and whether the peaches were "CA Utility" quality: *Provided*, That handlers who shipped fewer than 50,000 containers or container equivalents of any combination of peaches, nectarines, and plums during the previous season are exempted from these reporting requirements: *Provided further*, That handlers who begin operation during or after the 2001 season shall be exempted from these reporting requirements during their first season of operation. The destination is defined as peach shipments to any domestic or international market. Destination information for domestic market shipments shall include the city and state, and zip code, if known. Destination information for international market shipments shall include the country to which shipped. This report shall be submitted by the fifteenth day of each month following

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the month in which peach shipments were made.

[39 FR 27118, July 25, 1974, as amended at 63 FR 16041, Apr. 1, 1998; 65 FR 6308, Feb. 9, 2000; 66 FR 39409, July 31, 2001; 69 FR 53793, Sept. 3, 2004]

§917.179 Assessment reports.

In lieu of the reporting requirements set forth in §§917.176 and 917.178, the Control Committee may request a shipper to file, and upon such request such shipper shall file with the manager of the Control Committee a monthly summary showing the total quantity of pears and peaches which he shipped during the specified month; and such shipper may remit with his monthly report sufficient funds to cover the assessment due on the shipments which he reports.

[23 FR 3996, June 7, 1958. Redesignated at 26 FR 12751, Dec. 30, 1961, and amended at 31 FR 7477, May 24, 1966; 56 FR 23774, May 24, 1991; 56 FR 46369, Sept. 12, 1991]

EDITORIAL NOTE: After January 1, 1979, "Budget of Expenses and Rate of Assessment" regulations (e.g. sections .200 through .299) and "Handling" regulations (e.g. sections .300 through .399) which are in effect for a year or less, will not be carried in the Code of Federal Regulations. For FEDERAL REGISTER citations affecting these regulations, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

EFFECTIVE DATE NOTE: At 59 FR 10056, Mar. 3, 1994, in §917.179, the words "§917.176 and" and "pears and" were suspended, effective April 4, 1994.

Subpart—Assessment Rates

§917.258 Assessment rate.

On and after March 1, 2006, an assessment rate of \$0.21 per 25-pound container or container equivalent of peaches is established for California peaches.

[71 FR 51985, Sept. 1, 2006]

Subpart—Container and Pack Regulation

§917.442 California Peach Container and Pack Regulation.

(a) During the period beginning April 1 and ending November 23, no handler shall ship any package or container of

any variety of peaches except in accordance with the following terms and conditions:

(1) Such peaches, when packed in any closed package or container, except master containers of consumer packages, individual consumer packages, and five down Euro containers, shall conform to the requirements of standard pack: *Provided*, That peaches in any such volume-filled container need only be filled to within one-inch of the top of the container.

(2) Each package or container of peaches shall bear, on one outside end in plain sight and in plain letters, the word "peaches."

(3) Each package or container of peaches, except for consumer packages in master containers and consumer packages mailed directly to consumers, shall bear on one outside end clearly and legibly in plain sight and in plain letters the words "U.S. Mature" or "US MAT" if such peaches are mature as defined in the United States Standards for Grades of Peaches (7 CFR 51.1210 through 51.1223); or may instead bear on one outside end clearly and legibly in plain sight and in plain letters the words "California Well Matured" or "CA WELL MAT" if such peaches are well matured as defined in §917.459.

(4) Each package or container of peaches shall bear, on one outside end in plain sight and in plain letters, the name and address of the shipper.

(5) Each package or container of peaches, except consumer packages mailed directly to consumers, shall bear on one outside end in plain sight and in plain letters, the following count and/or size description of the peaches as applicable:

(i) The size of peaches packed in molded forms (tray-packs) in the No. 22D and No. 32 standard boxes, cartons, or consumer packages; No. 22G standard lug boxes or experimental containers; or No. 12B fruit (peach) boxes or flats; and the size of wrapped peaches packed in rows in No. 12B fruit (peach) boxes shall be indicated in accordance with the number of peaches in each container, such as "80 count," "88 count," etc.

(ii) The size of peaches in molded forms (tray-packs) in experimental containers, and in the No. 22G standard

lug boxes, shall be indicated according to the number of such peaches when packed in molded forms in the No. 22D standard lug box or the No. 32 standard box, in accordance with the requirements of standard pack, such as "80 size," "88 size," etc., along with count requirements in paragraph (a)(5)(i) of this section.

(iii) The size of peaches loose-filled or tight-filled in any container shall be indicated according to the number of such peaches when packed in molded forms in No. 22D or No. 32 standard boxes, in accordance with the requirements of standard pack, such as "80 size," "88 size," etc.

(iv) The size of peaches, when packed in loose-filled or tight-filled containers, shall be marked in accordance with the following table 1 and table 2 which specify the tray-pack size designation in Column A with the corresponding maximum number of peaches in a 16-pound sample of each size of the fruit in Column B: *Provided*, That the following procedure shall be used in determining whether peaches meet the minimum size requirements specified for each size category in this section applying the 16-pound sample. A sample consisting of one-half of the specified number of fruit for a particular size category shall be used, provided such sample weighs at least eight pounds. When one-half the specified number of fruit in a sample results in a number ending with one-half a fruit, the smaller full number of fruit shall be used to determine the sample weight. If a sample fails with respect to minimum size requirements on the basis of an 8-pound sample, a 16-pound sample shall be used to determine if the fruit meets the minimum size requirements.

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TABLE 1—WEIGHT-COUNT STANDARDS FOR ALL VARIETIES OF PEACHES (EXCEPT PEENTO TYPE PEACHES) PACKED IN LOOSE-FILLED OR TIGHT-FILLED CONTAINERS

Column A— Tray pack size designation	Column B— Maximum number of peaches in a 16-pound sample appli- cable to vari- eties specified in paragraphs (a)(2)(ii), (a)(3)(ii), (a)(4)(ii), (a)(5)(ii), and (b)(3) of § 917.459
96	96
88	92
84	83
80	77
72	69
70	65
64	58
60	53
56	48
54	46
50	43
48	41
44	37
42	34
40	32
36	29
34	28
32	25
30	23
28	21
26	20

TABLE 2—WEIGHT-COUNT STANDARDS FOR ALL VARIETIES OF PEACHES (EXCEPT PEENTO TYPE PEACHES) PACKED IN LOOSE-FILLED OR TIGHT FILLED CONTAINERS

Column A— Tray pack size designation	Column B— Maximum number of peaches in a 16-pound sample appli- cable to vari- eties specified in paragraphs (a)(6)(ii) and (c)(3) of § 917.459
96	96
88	83
84	79
80	73
72	66
70	62
64	56
60	52
56	47
54	46
50	42
48	41
44	37
42	34
40	32
36	29

TABLE 2—WEIGHT-COUNT STANDARDS FOR ALL VARIETIES OF PEACHES (EXCEPT PEENTO TYPE PEACHES) PACKED IN LOOSE-FILLED OR TIGHT FILLED CONTAINERS—Continued

Column A— Tray pack size designation	Column B— Maximum number of peaches in a 16-pound sample appli- cable to vari- eties specified in paragraphs (a)(6)(ii) and (c)(3) of § 917.459
34	28
32	25
30	23
28	21
26	20

TABLE 3—WEIGHT-COUNT STANDARDS FOR PEENTO TYPE PEACHES PACKED IN LOOSE-FILLED OR TIGHT-FILLED CONTAINERS

Column A—Tray pack size designation	Column B— Maximum number of peaches in a 16-pound sample
80	140
72	128
70	111
64	99
60	93
56	87
54	80
50	77
48	74
44	70
42	68
40	59
36	53
34	50
32	39
30	32

(6) The variation in diameter between the smallest and largest peach in any individual container shall not exceed one-fourth ($\frac{1}{4}$) inch for size 80 and smaller and three-eighths ($\frac{3}{8}$) inch for peaches larger than size 80: *Provided*, That not more than five (5) percent, by count, of the peaches in any individual container may fail to meet the diameter requirements of this paragraph.

(7) Each No. 22D standard lug box or No. 32 standard box of loose-filled peaches shall bear on one outside end, in plain sight and in plain letters, the words "25 pounds net weight."

(8) Each No. 22E standard lug box of loose-filled peaches shall bear on one

outside end, in plain sight and in plain letters, the words *35 pounds net weight*.

(9) Each five down Euro container of loose-filled peaches shall bear on one outside end in plain sight and in plain letters the words "29 pounds net weight."

(10) Each bulk bin container of loose-filled peaches shall contain not less than 100 pounds net weight, and bear on one outside panel, in plain sight and in plain letters, the following information:

(i) The name and address (including zip code) of the shipper.

(ii) The net weight.

(11) Each master container when filled with peaches packed in consumer packages shall bear on one outside end in plain sight and in plain letters the following information:

(i) The number of individual consumer packages, the net weight of each consumer package, and the size description of the contents: *Provided*, That when consumer packages of different sizes of peaches are contained in a master container, the size description of the contents shall indicate the minimum size contained therein, using the terms "Minimum size 60 and larger," or "Minimum size 70 and larger," etc., as applicable.

(ii) The name and address (including zip code) of the shipper.

(12) Each individual consumer package shall bear the name and address, including the zip code, of the shipper and the net weight. When a consumer package is not in a master container, it must also bear the number of peaches contained in the package and be marked as specified in paragraph (a)(3) of this section.

(b) As used in this section, "standard pack" and "fairly uniform in size" shall have the same meaning as set forth in the U.S. Standards for Grade of Peaches (Secs. 51.1210 to 51.1223) and all other terms shall have the same meaning as when used in the amended marketing agreement and order. A No. 12B standard fruit box measures $2\frac{3}{8}$ to $7\frac{1}{8} \times 11\frac{1}{2} \times 16\frac{1}{8}$ inches, a No. 22D standard lug box measures $2\frac{7}{8}$ to $7\frac{1}{8} \times 13\frac{1}{2} \times 16\frac{1}{8}$ inches, a No. 22E standard lug box measures $8\frac{3}{4} \times 13\frac{1}{2} \times 16$ inches, a No. 22G standard lug box measures $7\frac{3}{8}$ to $7\frac{1}{2} \times 13\frac{1}{4} \times 15\frac{7}{8}$ inches, a No. 32 stand-

ard box measures $5\frac{3}{4}$ to $7\frac{1}{4} \times 12 \times 19\frac{3}{4}$ inches, a No. 35 standard box measures $3\frac{1}{2}$ to $7\frac{15}{16} \times 15\frac{9}{16}$ to $15\frac{13}{16} \times 23\frac{1}{4}$ to $23\frac{3}{4}$ inches, and a No. 36 standard box measures 5 to $6\frac{1}{2} \times 13\frac{1}{4} \times 17\frac{1}{4}$ inches. All dimensions are given in depth (inside dimensions) by width and by length (outside dimensions). "Individual consumer packages" means packages holding 15 pounds or less net weight of peaches. "Tree ripe" means "tree ripened" and fruit shipped and marked as "tree ripe," "tree ripened," or any similar terms using the words "tree" and "ripe" must meet the minimum California Well Matured standards.

(c) Each container of peaches in plastic, $12 \times 19\frac{3}{4}$ inch reusable and recyclable containers shall meet and bear, on the container lid or on the outside end, all applicable marking requirements under the order.

(d) During the period April 1 through November 23, each container or package when packed with peaches meeting "CA Utility" quality requirements, shall bear the words "CA Utility," along with all other required container markings, in letters at least $\frac{3}{8}$ inch in height on the visible display panel. Consumer bags or packages must also be clearly marked on the consumer bags or packages as "CA Utility," along with all other required markings, in letters at least $\frac{3}{8}$ inch in height.

[50 FR 39074, Sept. 27, 1985, as amended at 54 FR 27861, July 3, 1989; 55 FR 24222, June 15, 1990; 56 FR 40225, Aug. 14, 1991; 57 FR 20739, May 15, 1992; 57 FR 42682, Sept. 16, 1992; 59 FR 15840, Apr. 5, 1994; 59 FR 31120, June 17, 1994; 61 FR 13392, Mar. 27, 1996; 61 FR 31391, June 20, 1996; 63 FR 16041, Apr. 1, 1998; 63 FR 44370, Aug. 19, 1998; 64 FR 19033, Apr. 19, 1999; 65 FR 15213, Mar. 22, 2000; 67 FR 16296, Apr. 5, 2002; 67 FR 53289, Aug. 15, 2002; 68 FR 17265, Apr. 9, 2003; 68 FR 48255, Aug. 13, 2003; 69 FR 15651, Mar. 25, 2004; 69 FR 19756, Apr. 14, 2004; 70 FR 16391, Mar. 31, 2005; 71 FR 17978, Apr. 10, 2006]

Subpart—Grade and Size Regulation

§917.459 California Peach Grade and Size Regulation.

(a) During the period beginning April 1 and ending November 23, no handler shall ship:

(1) Any lot or package or container of any variety of peaches unless such peaches meet the requirements of U.S.